



July 17, 2007

FROM: JON R. RUIZ, Interim Director  
Public Works Department

BY: SCOTT L. MOZIER, PE, Assistant Director  
Public Works Department, Engineering Division

A handwritten signature in dark ink, appearing to read "S. Mozier", written over the printed name of Scott L. Mozier.

SUBJECT: ADOPT RESOLUTION DEDICATING EASEMENTS OVER CERTAIN  
CITY-OWNED PROPERTY FOR PUBLIC PEDESTRIAN WALKWAY  
PURPOSES, PUBLIC UTILITY PURPOSES, AND LANDSCAPING  
PURPOSES

## KEY RESULT AREA

Customer Satisfaction

## RECOMMENDATION

It is recommended that the Council adopt the attached resolution dedicating easements over certain City-owned property for public pedestrian walkway purposes, public utility purposes, and landscaping purposes.

## EXECUTIVE SUMMARY

The City owns Pump Station No. 354 located on the southwest corner of Maple and Byrd Avenues, as shown on Exhibit "B" of the attached resolution. The pump station is being improved in accordance with Conditional Use Permit No. C-06-112. The well site was originally intended to be created as an outlot with the recordation of the map of Tract No. 5287, but the property was purchased by a separate grant deed prior to the map's recordation. The public utility and public landscaping easements that were to be created by the map's recordation now have to be dedicated in order to comply with the tract's conditions of approval. Driveway approaches will be constructed along both Maple and Byrd Avenues to provide access to the pump station. A pedestrian walkway easement must be dedicated at the back of each approach in order to comply with Federal ADA requirements.

## KEY OBJECTIVE BALANCE

The proposed dedication balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. The proposed vacation provides for Customer Satisfaction by satisfying a condition of approval for the City's development of Pump Station No. 354.

## **BACKGROUND**

The City owns Pump Station No. 354 located on the southwest corner of Maple and Byrd Avenues, as shown on Exhibit "B" of the attached resolution. The pump station is being improved in accordance with Conditional Use Permit No. C-06-112. The well site was originally intended to be created as an outlot with the recordation of the map of Tract No. 5287, but the property was purchased by a separate grant deed prior to the map's recordation. The public utility and public landscaping easements that were to be created by the map's recordation now have to be dedicated in order to comply with the tract's conditions of approval. Driveway approaches will be constructed along both Maple and Byrd Avenues to provide access to the pump station. A pedestrian walkway easement must be dedicated at the back of each approach in order to comply with Federal ADA requirements.

Public Works has approved the legal descriptions of the subject easements.

The attached resolution has been approved as to form by the City Attorney's Office.

## **FISCAL IMPACT**

There will be no impact to the City's General Fund.

JRR/SLM/DC/eam  
Adopt Reso Ded Esmnts Ped Walkway Public Util & Landscaping 7-17-07

Attachment: Resolution

**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**When Recorded, Mail To:**  
City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, CA. 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 480-422-20T (portion)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, DEDICATING EASEMENTS OVER CERTAIN CITY-OWNED  
PROPERTY FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES, PUBLIC UTILITY PURPOSES,  
AND LANDSCAPING PURPOSES

WHEREAS, the City of Fresno owns certain property located on the southwest corner of  
Maple and Byrd Avenues, as shown on attached Exhibit "B"; and

WHEREAS, the subject property is being developed as Pump Station No. 354 in  
accordance with Conditional Use Permit No. C-06-112; and

WHEREAS, driveway approaches will be constructed along both Maple and Byrd Avenue  
to provide access to the pump station; and

WHEREAS, pedestrian walkway easements must be dedicated at the back of each  
approach in order to comply with federal ADA requirements, which requires a dedication of City-  
owned property to accommodate the approaches; and

WHEREAS, the well site was originally intended to be created as an outlot with the  
recordation of the map of Tract No. 5287, but the property was purchased by a separate grant  
deed prior to the map's recordation; and



WHEREAS, the public utility and public landscaping easements that were to be created by the map's recordation now have to be dedicated in order to comply with the tract's conditions of approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. Those certain portions of City-owned property described in attached Exhibit "A" and shown on attached Exhibit "B" are hereby dedicated as easements and rights-of-way for public pedestrian walkway purposes.

2. That certain portion of City-owned property described in attached Exhibit "C" and shown on attached Exhibit "D" is hereby dedicated as an easement and right-of-way for public utility purposes.

3. That certain portion of City-owned property described in attached Exhibit "E" and shown on attached Exhibit "F" is hereby dedicated as an easement and right-of-way for public landscaping purposes.

4. Nothing contained in this resolution shall be deemed or interpreted by any party to cause any interest created in the public pursuant to this resolution to ripen into any title, interest or right of the public against or adverse to the rights of the City of Fresno nor shall this resolution limit, restrict or modify the exemption of public property to title by prescription as defined within California Civil Code Section 1007.

5. The City Clerk of the City of Fresno shall certify to the passage of this resolution and attest thereto under the seal of the City of Fresno.

6. The City Engineer shall cause a City deed number to be assigned to this resolution and shall cause this resolution to be recorded in the Office of the Recorder of the County of Fresno, California. The original resolution shall be returned to the City Clerk after recordation and a certified copy thereof shall be filed in the Public Works deed file.



CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Mayor Approval: \_\_\_\_\_, 2007  
Mayor Approval/No Return: \_\_\_\_\_, 2007  
Mayor Veto: \_\_\_\_\_, 2007  
Council Override Vote: \_\_\_\_\_, 2007

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_, Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

By: *Laurie A. Medeiros*  
, Deputy

Adopt Reso Ded Esmnts Ped Walkway Public Util & Landscaping 7-17-07

2007-099  
15-A-8303  
P.S. 354  
C-06-112  
T-5287  
PLAT 3060

## **EXHIBIT "A"**

### LEGAL DESCRIPTION - PARCEL 1

That portion of the Southeast quarter of the Southwest quarter of Section 13, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

COMMENCING at the Center quarter corner of said Section 13; thence South 00° 16' 09" West, along the East line of the Southwest quarter of said Section 13, a distance of 1631.35 feet to a point on the South line of the North 313 feet of the East half of the Southeast quarter of the Southwest quarter of said Section 13; thence N 89° 57' 34" W, along said South line, a distance of 43.72 feet to the Southeast corner of that certain parcel of land deeded to the City of Fresno by Document No. 2006-0240147, Fresno County Records; thence, along the South line of said parcel of land, North 89°57'34" West, a distance of 138.39 feet to the Southwest corner of said parcel of land; thence North 00°20'39" East, along the West line of said parcel of land, a distance of 115.47 feet to the Northwest corner of said parcel of land, and the TRUE POINT OF BEGINNING; thence South 89°48'45" East, along the North line of said parcel of land, a distance of 122.41 feet to an angle point in said North line; thence continuing along said North line, South 45°17'09" East a distance of 1.43 feet; thence North 89°48'45" West, parallel with and 1.00 feet South of the North line of said parcel of land, a distance of 74.67 feet; thence South 42°27'40" West, a distance of 3.38 feet; thence North 89°48'45" West, parallel with and 3.50 feet South of said North line of said parcel of land, a distance of 18.98 feet; thence North 42°05'10" West, a distance of 3.38 feet; thence North 89°48'45" West, parallel with and 1.00 feet South of said North line of said parcel of land, a distance of 25.23 feet to a point on the West line of said parcel of land; thence North 00°20'39" East, along said West line of said parcel of land, a distance of 1.00 feet to the TRUE POINT OF BEGINNING.

Parcel 1 contains an area of 176.05 Sq. Ft., more or less.

### LEGAL DESCRIPTION - PARCEL 2

That portion of the Southeast quarter of the Southwest quarter of Section 13, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

COMMENCING at the Center quarter corner of said Section 13; thence South 00° 16' 09" West, along the East line of the Southwest quarter of said Section 13, a distance of 1631.35 feet to a point on the South line of the North 313 feet of the East half of the Southeast quarter of the Southwest quarter of said Section 13; thence N 89° 57' 34" W, along said South line, a distance of 43.72 feet to the Southeast corner of that certain parcel of land deeded to the City of Fresno

by Document No. 2006-0240147, Fresno County Records; thence North 00°52'36" East, along the East line of said parcel of land, a distance of 26.55 feet to the TRUE POINT OF BEGINNING; thence leaving the East line of said parcel, North 48°33'30" West, a distance of 3.38 feet; thence North 00°52'36" West, parallel with and 2.50 feet West of said East line, a distance of 18.99 feet; thence North 46°53'40" East, a distance of 3.38 feet to a point on said East line of said parcel of land; thence South 00°52'36" East, along said East line, a distance of 23.53 feet to the TRUE POINT OF BEGINNING.

Parcel 2 contains an area of 53.15 Sq. Ft., more or less.

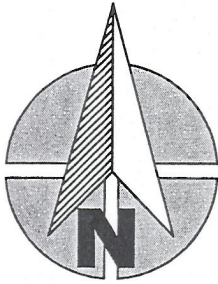


*Bruce E. Tracey*  
05/22/07

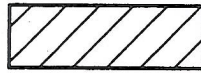
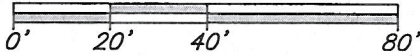
2007-099  
15-A-8303  
T-5287  
C-06-112  
P.S. 354



# EXHIBIT "B"

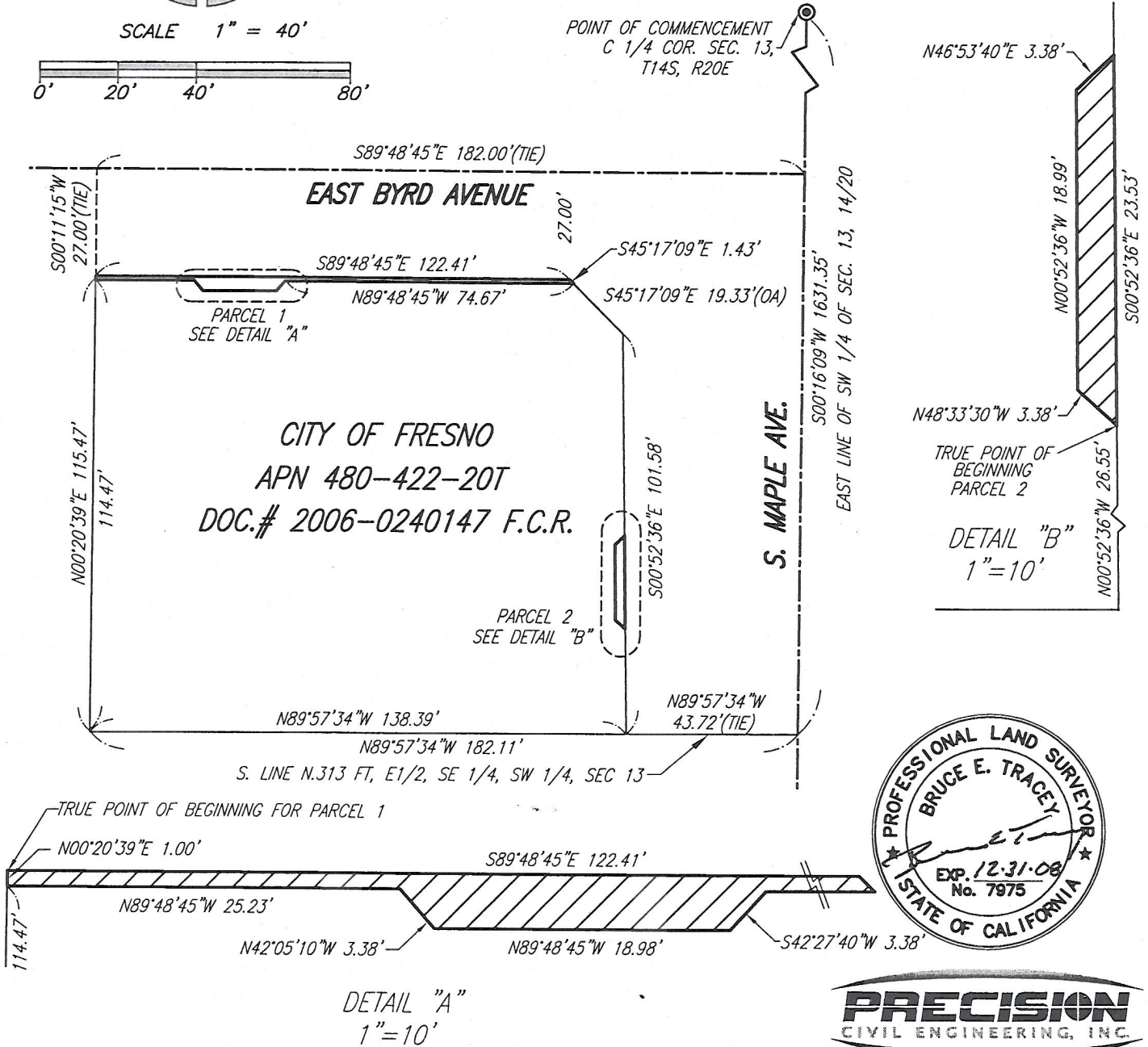


SCALE 1" = 40'



INDICATES PEDESTRIAN EASEMENT TO BE  
DEDICATED TO THE CITY OF FRESNO  
AREA PARCEL 1= 176.05 SQ. FT.  
AREA PARCEL 2= 53.15 SQ. FT.

POINT OF COMMENCEMENT  
C 1/4 COR. SEC. 13,  
T14S, R20E



**PRECISION**  
CIVIL ENGINEERING, INC.

PLANNING • SURVEYING • CIVIL ENGINEERING  
7690 NORTH PALM, # 104, FRESNO, CALIFORNIA 93711  
PHONE: (559) 449-4500 FAX: (559) 449-4515

ACCT. NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_  
PROG. NO. \_\_\_\_\_

**CITY OF FRESNO**

**DEPARTMENT OF PUBLIC WORKS**

REF. & REV.  
05-04-07 BET  
2007-099  
T-5287  
PLAT 3060  
C-06-112

PORTION OF SW 1/4 SECTION 13, T14S, R20E, MDB&M  
PEDESTRIAN EASEMENTS TO BE DEDICATED TO THE CITY OF FRESNO

APPROVED  
CONST. ENG. \_\_\_\_\_ OFFICE ENG. \_\_\_\_\_  
CITY DESIGN ENG. \_\_\_\_\_  
DR. BY: BET SHEET NO. 1  
CH. BY: \_\_\_\_\_ OF 3 SHEETS  
DATE: 05/11/07  
SCALE: 1"=40'  
JOB NO: 06-044  
**15-A-8303**

## EXHIBIT "C"

### LEGAL DESCRIPTION

That portion of the Southeast quarter of the Southwest quarter of Section 13, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

COMMENCING at the Center quarter corner of said Section 13; thence South  $00^{\circ} 16' 09''$  West, along the East line of the Southwest quarter of said Section 13, a distance of 1631.35 feet to a point on the South line of the North 313 feet of the East half of the Southeast quarter of the Southwest quarter of said Section 13; thence N  $89^{\circ} 57' 34''$  W, along said South line, a distance of 43.72 feet to the Southeast corner of that certain parcel of land deeded to the City of Fresno by Document No. 2006-0240147, Fresno County Records, said point being the TRUE POINT OF BEGINNING; thence, along the South line of said parcel of land, North  $89^{\circ} 57' 34''$  West, a distance of 10.00 feet; thence, leaving said South line, North  $00^{\circ} 52' 36''$  West, parallel with and 10.00 feet West of the East line of said parcel of land, a distance of 97.33 feet; thence North  $45^{\circ} 17' 09''$  West, parallel with and 10.00 feet Southwest of the North line of said parcel of land, a distance of 11.16 feet; thence North  $89^{\circ} 48' 45''$  West, parallel with and 10.00 feet South of the North line of said parcel of land, a distance of 118.34 feet to a point on the West line of said parcel of land; thence North  $00^{\circ} 20' 39''$  East, along said West line of said parcel of land, a distance of 10.00 feet to the Northwest corner of said parcel of land; thence South  $89^{\circ} 48' 45''$  East, along the North line of said parcel of land, a distance of 122.41 feet to an angle point in said North line; thence continuing along said North line, South  $45^{\circ} 17' 09''$  East, a distance of 19.33 feet to a point on the East line of said parcel of land; thence South  $00^{\circ} 52' 36''$  East, along said East line, a distance of 101.58 feet to the TRUE POINT OF BEGINNING.

Contains an area of 2,351 Sq. Ft., more or less.

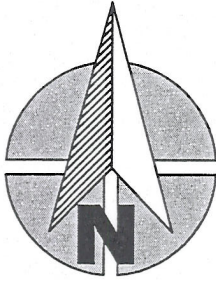
2007-099  
15-A-8303  
T-5287  
C-06-112  
P.S. 354



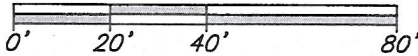
*B. E. Tracey*  
05/22/07



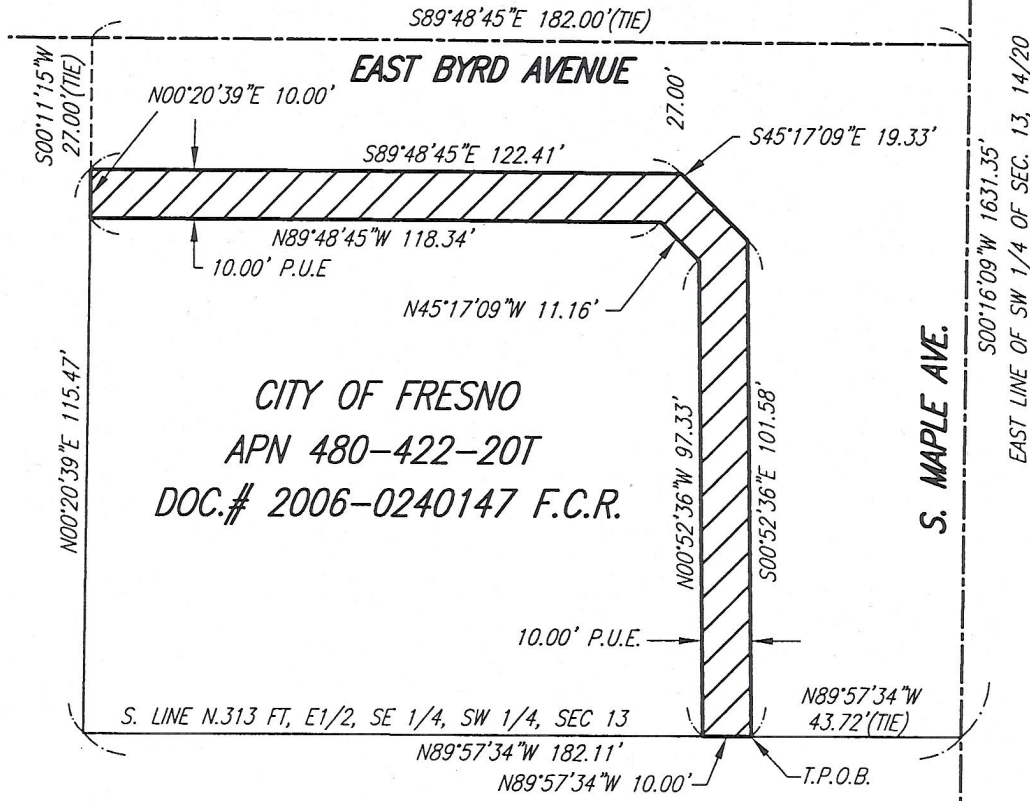
# EXHIBIT "D"



SCALE 1" = 40'



POINT OF COMMENCEMENT  
C 1/4 COR. SEC. 13,  
T14S, R20E



INDICATES P.U.E. EASEMENT TO BE  
DEDICATED TO THE CITY OF FRESNO  
AREA= 2,351 SQ. FT.



**PRECISION**  
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ACCT. NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_  
PROG. NO. \_\_\_\_\_

**CITY OF FRESNO**

**DEPARTMENT OF PUBLIC WORKS**

REF. & REV.  
05-04-07 BET  
**2007-099**  
**PLAT 3060**  
**T-5287**  
**C-06-112**

PORTION OF SW 1/4 SECTION 13, T14S, R20E, MDB&M  
PUBLIC UTILITY EASEMENT TO BE DEDICATED TO THE CITY OF FRESNO

APPROVED  
CONST. ENG. \_\_\_\_\_ OFFICE ENG. \_\_\_\_\_  
CITY DESIGN ENG. \_\_\_\_\_  
DR. BY: BET SHEET NO. 2  
CH. BY: \_\_\_\_\_ OF 3 SHEETS  
DATE: 05/11/07  
SCALE: 1"=40'  
JOB NO: 06-044 **15-A-8303**



APN 480-422-20T (PORTION)  
LANDSCAPE EASEMENT

## EXHIBIT "E"

### LEGAL DESCRIPTION

That portion of the Southeast quarter of the Southwest quarter of Section 13, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

COMMENCING at the Center quarter corner of said Section 13; thence South 00° 16' 09" West, along the East line of the Southwest quarter of said Section 13, a distance of 1631.35 feet to a point on the South line of the North 313 feet of the East half of the Southeast quarter of the Southwest quarter of said Section 13; thence N 89° 57' 34" W, along said South line, a distance of 43.72 feet to the Southeast corner of that certain parcel of land deeded to the City of Fresno by Document No. 2006-0240147, Fresno County Records, said point being the TRUE POINT OF BEGINNING; thence, along the South line of said parcel of land, North 89°57'34" West, a distance of 10.00 feet; thence, leaving said South line, North 00°52'36" West, parallel with and 10.00 feet West of the East line of said parcel of land, a distance of 97.33 feet; thence North 45°17'09" West, parallel with and 10.00 feet Southwest of the North line of said parcel of land, a distance of 25.42 feet to a point on the North line of said parcel of land; thence South 89°48'45" East, along the North line of said parcel of land, a distance of 14.26 feet to an angle point in said North line; thence continuing along said North line, South 45°17'09" East, a distance of 19.33 feet to a point on the East line of said parcel of land; thence South 00°52'36" East, along said East line, a distance of 101.58 feet to the TRUE POINT OF BEGINNING.

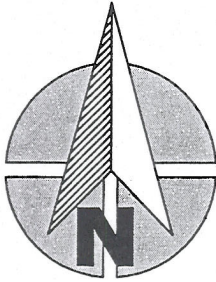
Contains an area of 1,218 Sq. Ft., more or less.



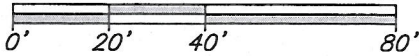
*Bruce E. Tracey*  
05/22/07

2007-099  
15-A-8303  
T-5287  
C-06-112  
P.S. 354

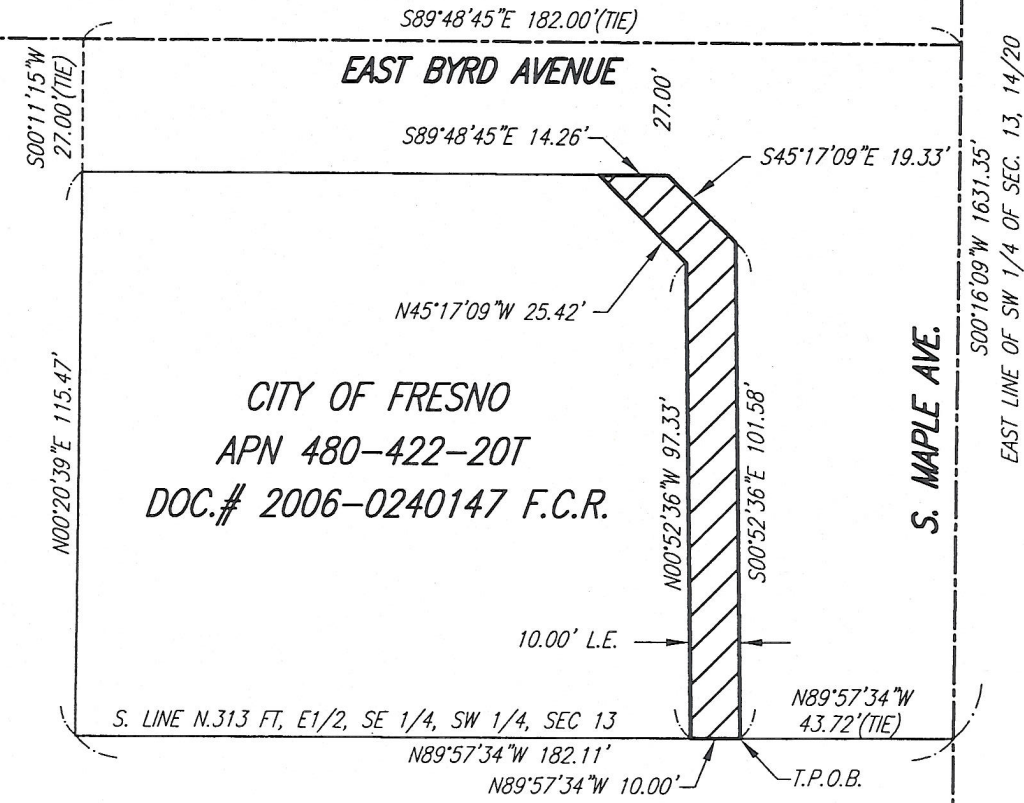
# EXHIBIT "F"



SCALE 1" = 40'



POINT OF COMMENCEMENT  
C 1/4 COR. SEC. 13,  
T14S, R20E



**PRECISION**  
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ACCT. NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_  
PROG. NO. \_\_\_\_\_

**CITY OF FRESNO**

**DEPARTMENT OF PUBLIC WORKS**

REF. & REV.  
05-04-07 BET  
2007-099  
PLAT 3060  
T-5287  
C-06-112

**PORTION OF SW 1/4 SECTION 13, T14S, R20E, MDB&M**

**LANDSCAPE EASEMENT TO BE DEDICATED TO THE CITY OF FRESNO**

APPROVED  
CONST. ENG. \_\_\_\_\_ OFFICE ENG. \_\_\_\_\_  
CITY DESIGN ENG. \_\_\_\_\_  
DR. BY: BET SHEET NO. **3**  
CH. BY: \_\_\_\_\_ OF **3** SHEETS  
DATE: 05/11/07  
SCALE: 1"=40'  
JOB NO: 06-044 **15-A-8303**